

Affidavit

I, William R. Henshall, declare, under penalty of perjury, that ALL of the following facts arising in the “case” of GARCIA v Rovai et al, “Case No. 22-UDL-00118, in the San Mateo county superior court /aka/ administrative tribunal, are true and correct of my own personal knowledge, to wit:

- 1. Expert witness – I have been studying the Constitution, history and laws of the united States for 40 years, the last 15 years “all in”, and have an a cappella knowledge of 230 years of this subject matter;*
- 2. At the request of my long- time friends Linda A. Rovai and Brittany Pickett-Rose, and in pursuance of our unlimited power to contract, a Right secured by at least Article I, Section 10 of and/or the 9th Article of Amendment to, the Constitution for the united States {1787-1791} (CuS), I have been assisting them in “Case No. 22-UDL-00118”, GARCIA v Rovai et al in the purported San Mateo county superior court;*
- 3. Based on my passionate, independent study of the subject matter, I immediately recognized that this was NOT a Constitutional common law court exercising the judicial power of the sovereign, independent State of California, which was admitted into “this Union” as a common law State (see e.g. Report on the Civil and Common Law, 1 Cal. Rpts. 588 et seq.);*
- 4. In addition, I knew, as a matter of law, that at least lawful, de jure, jus sanguinis State Citizens, had and have the Right to be in such a judicial Court from day ONE, since Article I, Section 9 or 10, as the case may be of, the CuS, prohibits the enactment of Bills of Attainder or Bills of Pains & Penalties, which are the taking of life, liberty or property without judicial process, most especially without a trial by Jury according to the course of the common law;*

5. Indeed I was and am *fully aware that the Right to Trial by Jury and the Right to Habeas Corpus /aka/ to the Framers* as the “*Great Writ of Liberty*”, was secured to *even* “inhabitants of *territories*” pursuant to *Article II of the Northwest Ordinance of 1787, as reenacted by the 1st Congress, yet neither of these Rights* nor any other *enforceable Rights, currently exist in CALIFORNIA*, or anywhere else;
6. *It was also painfully apparent that PALENCHAR LAW FIRM (PLF), attorneys for ‘plaintiffs’, had NOT served any Summons, Complaint or Civil Cover Sheet, on ANY of the ‘defendants’, any and all of which are REQUIRED of Plaintiffs to satisfy their burden of proof of establish jurisdiction and venue, most assuredly in what the record would have, and indeed did, establish was an administrative tribunal;*
7. *At NO point in time did Plaintiffs make ANY effort to satisfy their burden of proof to show any “voluntary, knowing and intelligent” waiver of Rights, THE reference standard of the US supreme Court – see e.g. Johnson v Zerbst 304 US 458;*
8. Perhaps this is because *PLF was relying on the ‘court’ and/or purportedly neutral magistrate (Tumey v Ohio 273 US 510), to employ multiple fatuous fictions of law to “manufacture”, as it were, any such waivers;*
9. *Not surprisingly, this is all too often the case, and without the victims being any the wiser, since this is nothing more than one ‘state’ Bar Association attorney (sBA) ruling in favor of another one, noting that these ‘official’ actors are the only ones “qualified” to hold ANY office in at least the “judicial” department of the de facto government;*
10. All of this underscores the *egregiously evil irreconcilable conflicts present under such circumstances, most especially when most, if not ALL, of the*

issues presented by unwary victims, ***DIRECTLY challenge the malignant, malevolent monopoly on the “practice of law” enjoyed by sBA attorneys;***

11. It gets worse when one learns that ALL sBA attorneys are NOT appointed by the President, as required in territories, which the record will PROVE, if it hasn't already, in any ensuing action, that CALIFORNIA IS a territory, this pursuant to ‘appointments clause’ (Article II, Section 2);

12. And we haven't even discussed the fact that ALL sBA attorneys are also unregistered foreign agents of at least the City of London (BAR = British Accreditation Registry), who, for all apparent intents and purposes, have sworn an Oath to the BAR which supersedes, for all apparent intents and purposes, their Oath to be BOUND by “this Constitution and the laws enacted in pursuance thereof”;

13. Against this backdrop, I was present at the ‘hearing’, on or about May 22nd, 2022 in the department of Commissioner Ernest A. Halperin, in the Humboldt Street facility;

14. Halperin seemed pleasant enough, yet advised my friends that ‘even if they went to trial and won, they would LOSE’, albeit without any details on exactly how this worked, noting that in my studies of American jurisprudence I have not come across any such functional equivalent;

15. Having studied the matter, I became aware that there had occurred a 32 YEAR “delay” in filing of the Will of SALVADORE GARCIA SR., an astounding situation for my ensuing research has NOT turned up any precedents;

16. With such a novel situation, I came to the conclusion that there should be an increased evidentiary burden of proof on the validity of the Will, much like

well-off litigants, like Anna Nicole Smith, would expect, perhaps to the level of clear and convincing evidence, and advised my friend as such;

17. Indeed, it also occurred to me that a serious evidentiary claim for FRAUD could also attach, as I also advised my friends, NONE of whom, most particularly Linda Rovai, had, yet again, ever been served, a striking similarity to the instant case;

18. I had also recently discovered that the California Secretary of State has stated that the California Constitution of 1849 has NOT been repealed, which seemingly says that the sovereign, independent State of California remains in existence, and this was an Exhibit in the Motion to Quash;

19. Also attached as Exhibits were a summary, ex parte 12 (b)(6) “denial” of my Petition for a Non-statutory federal Writ of Habeas Corpus, this by a DEPUTY clerk (???) of the CALIFORNIA supreme court, stating, in one sentence, that ‘the questions you ask are beyond the jurisdiction of California courts as they appear to present federal issues’ and a like denial of my Petition for Redress of Grievance by Kevin Mullin, on behalf of the CALIFORNIA Assembly, which cited exactly this “opinion”, both of which concede that CALIFORNIA is NOT (!) a sovereign, independent State admitted into “this Union”;

20. IF California IS a sovereign, independent State, then Article VI, Section 1 of the Constitution of 1849 establishes the California District Court, a Constitutional common law Court contemporaneously recognized as such by the California supreme Court as such in Ex Parte Knowles 5 Cal. 300;

21. And pursuant to Article VI, Section 6 thereof, the District Court has UNLIMITED probate jurisdiction, perfectly in accord with the Right to a judicial Court;

22. Thus any and all proceedings in *Case No. 20-PRO-00969* were and are ***NULL and VOID nunc pro tunc ab initio***, this in a ‘court’ /aka/ ***administrative tribunal in which all ‘official’ actors*** were and are ***acting coram non iudice***;
23. Bottom line here is that this underscores ***the gravity of the absence of any service of process***, since if the ‘official’ actors in Sacramento do ***NOT know the status of CALIFORNIA***, how can any litigants, ***especially since they are already presumed incompetent, albeit on who knows what factual foundation and legal basis*** and ‘conveniently’ for the usurpers, ***there is NO right to assistance of counsel in the “special” jurisdiction of ‘unlawful detainer’ held in, for all apparent purposes, in a SECRET ‘court’ ???***
24. Coming to the ***“summary, ex parte tentative denial”*** of our ***UNOPPOSED 48 page Motion to Quash***, I appeared with Ms. Rovai at the Motion Hearing on June 10th, and spoke ***ON THE RECORD as ‘next friend, Counsel, and Private Attorney General, exactly as stated in the Motion, and demanded a written factual foundation and legal basis for what turned out to be a ONE word “denial” of our UNOPPOSED Motion, but purportedly neutral magistrate ROBERT FOILES did not respond***;
25. To be sure, I was surprised by all of this ***as I had also observed FOILES*** at a hearing on June 6th, ***beginning as a blustering boss and threatening to hold a “trial” forthwith***, only to reappear after a break in proceedings to handle other matters, and ***evidently having seen our Motion for the first time, suddenly finding that his calendar was ‘crowded’ until June 21st***;
26. Accordingly, we, ***not to mention all like situated victims of the system***, are left with ***NO way to know IF we are wrong and WHY***, and thus no ***KNOWN way to exercise the right to instruct our (??) representatives and/or have any knowing and intelligent way to nominate and elect those who will be responsive to our concerns, not to mention Rights secured by the Constitution***;

27. So much for 'elections' in today's much ballyhooed democracy, noting that exactly the same democracy exists today in Pyongyang, NORTH Korea, only with a MUCH higher "voter" turnout, likely much envied today in WARshington DC;

28. And this is assuming arguendo that CONgress has any authority to provide for elections in territories at all for President (Electoral College, anyone ??), VOTING members of the House and with united States Senator remaining an appointed position by State legislatures in the federative, republican form of government of defined and limited powers, ordained and established by "this Constitution", the 17th WAR "amendment" to the contrary notwithstanding;

29. Coming to the "trial" on June 21st, 2022, we learned that PLF had made, after an ex parte meeting with defendant Ryan F. Pickett WITHOUT Counsel present, an egregious breach of ethics, a summary, ex parte dismissal of Mr. Pickett as a defendant, as he had allegedly vacated the premises;

30. Though Affiant does not have personal knowledge here, he has known Mr. Pickett since he was 1 year old and, like members of the family on BOTH sides of the instant 'case', knows that he has serious developmental conditions pursuant to the *Americans with Disabilities Act*, including *autism* and *attention deficit disorder*, thus he had a right to *ADA* counsel in this case;

31. PLF had to have been well aware of this too, and knew that the invocation of the right to counsel would negatively affect their "case", taking at least more time for Mr. Pickett to consult counsel and thus make a 'voluntary, knowing intelligent' decision whether to stay in the case or not;

32. Mr. Pickett did state to Mom Linda Rovai, that family members on the other side has 'cajoled' him to leave the premises, since he would have an 'unlawful detainer' record to deal with in some or another 'official' records;

33. While it is not known if *PLF* had any direct involvement with this scenario, the withdrawal of Mr. Pickett was *very 'convenient'* for their interests, while at the same time subverting the *clear and unambiguous* intent of Congress in enacting the *ADA*, with even the appearance of such an impropriety adding to the Plaintiff's burden of proof in the minds of jurors, a fortiori a common law jury with the power to rule on the facts and the law, which was nowhere in sight as *FOILES* simply *directed a verdict of guilt*, one *corrupt sBA* ruling in favor of another one;

34. An interesting closing note here is that *CONgress* is currently considering a "*Puerto Rico Status Act*" which if passed, *would "permit", as it were, Puerto Ricans to vote on whether to retain its current status, go independent or become a 'state'. Clearly many members of CONgress are 'blissfully unaware' of Article IV, Section 3 of the Constitution or, consistent with the 'crown jewel of ALL of the UNOPPOSED Constitutional issues I advocate, there are NO sovereign, independent States remaining which were admitted into "this Union", noting that 'Ol Thad Stevens conceded, on the record, that West (by gosh) Virginia was admitted pursuant to the WAR powers of CONgress.*

35. Accordingly, it is *very possible that 'state' does NOT mean 'state' anymore*, perhaps the reason for the *'dissenting' opinion of Justices Thomas and Alito in Texas v California*, when the Court refused to *FILE* documents by the state of Texas against the state of California in the court's *original* jurisdiction;

Done this 3rd day of July, 2022 in San Mateo, California.

William R Henshall
William R. Henshall
205 Ramona Street, San Mateo, California
650-267-9350



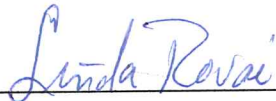
Affidavit

I, Linda Rovai, am over the age of 18 and also a defendant in *GARCIA v Rovai Case No. 22-UDL-00118*, and declare, *under penalty of perjury*, that ALL of the following facts are true of *my own personal knowledge*, except those matter stated on information and belief, to wit:

1. During the course of the proceedings in the case, I *NEVER* at any time heard Magistrate FOILES ask about any ADA considerations for any defendant
2. Was constantly advised by FOILES that there was *NO* right to counsel in a “civil” case and that this was a “limited” jurisdiction, the only issue being “possession”;
3. On 6-10-22 I was with Mr. Henshall at a hearing in the case, this on our *UNOPPOSED 48 page Motion to Quash*, which we found that Magistrate FOILES had denied in ONE WORD;
4. On 6-10-22 I was Mr. Henshall as he crossed the bar as a *Private Attorney General* and demanded a *written factual foundation and legal basis* for the denial, but *FOILES* did *NOT* reply, all of this *ON THE RECORD*;
5. On 6-21-22, I was with Mr. Henshall when he attempted to cross the Bar as a *Private Attorney General and expert witness* but was denied by *FOILES (on the record ?)*
6. On 6-21-22, I heard my sister, Roseanne Rusnock, commit *PERJURY* on the witness stand about my brother Ryan’s purported competence

5. My son advised me that he was being hounded by other family members on the other side of the case, to leave the premises at 205 Ramona Street rather than to face having an unlawful detainer judgment on his record;
6. There was **NO** proof of any “LANDLORD-tenant relationship, an **essential** element in an unlawful detainer setting, which should **NOT** have gone to the ‘jury;
7. Being ***seemingly presumed incompetent***, I did **NOT** , and could not have made, any “***voluntary, knowing and intelligent***” waiver of any rights, most especially trial by jury according to the course of the common law, this in California, a ***sovereign, independent*** State admitted into “***this Union***” as a common law state;

Done this 3rd day of July, 2022, in San Mateo, California



Linda Rovai/Affiant
205 Ramona Street
San Mateo, California

;

Affidavit

I, Brittany Pickett-Rose, am over the age of 18 and also a defendant in ***GARCIA v Rovai Case No. 22-UDL-00118***, and declare, ***under penalty of perjury***, that ALL of the following facts are true of ***my own personal knowledge***, except those matter stated on information and belief, to wit:

1. During the course of the proceedings in the case, I ***NEVER*** at any time heard Magistrate ***ROBERT FOILES*** ask about any ADA considerations for any defendant
2. Was constantly advised by ***FOILES*** that there was ***NO*** right to counsel in a “civil” case and that this was a “limited” jurisdiction, the only issue being “possession”
3. On 6-21-22 I was with Mr. Henshall when he attempted to cross the Bar as a ***Private Attorney General and expert witness*** but was denied by ***FOILES (on the record ?)***
4. 6-21 heard Aunt Roseanne Rusnock commit ***PERJURY*** on the witness stand about my brother Ryan’s purported competence;
5. My brother advised me that he was being hounded by other family members on the other side of the case, to leave the premises at 205 Ramona Street rather than to face having an unlawful detainer judgment on his record;
6. There was ***NO*** proof of any “LANDLORD-tenant relationship, an essential element in an unlawful detainer setting, which should NOT have gone to the ‘jury;

7. Being *seemingly presumed incompetent*, I did **NOT**, and could not have made, any “*voluntary, knowing and intelligent*” waiver of any rights, most especially trial by jury according to the course of the common law, this in California, a *sovereign, independent* State admitted into “*this Union*” as a common law state;

Done this 2 day of July, 2022, in San Mateo, California

Brittany Pickett Rose
Brittany-Pickett Rose/Affiant
205 Ramona Street
San Mateo, California

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